

REMARKS

At the time of the Office Action dated September 8, 2004, claims 1-21 were pending in this application. Of those claims, claims 1-3, 5 and 11 have been rejected and claims 14-20 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b).

Applicants acknowledge, with appreciation, the Examiner's indication that claims 4, 6-10, 12, 13, and 21 contain allowable subject matter. Claim 1 has been amended, and new claim 22 has been added. Claim 2 has been amended to address an informality. Applicants submit that the present amendment does not introduce any new matter.

On page two of the Office Action, the Examiner maintained the objection to Fig. 8. As stated in response to the same objection in the Request for Reconsideration dated August 11, 2004, dummy gate electrodes are labeled as feature 7 in Fig. 7, and it is readily apparent that the dummy gate electrodes in Figs. 7 and 8 are the same. Therefore, reference character 7, mentioned in the description, appears in the drawings (specifically, Fig. 7), as required by C.F.R. § 1.84(p)(5). The Examiner, however, in repeating the objection to Fig. 8, has failed to address Applicants' arguments. In this regard, the Examiner is referred to M.P.E.P. § 707.07(f), which states that "the Examiner, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." For the reasons stated above and in the Request for Reconsideration dated August 11, 2004, Applicants respectfully solicit withdrawal of the imposed objection to the drawings.

On page two of the Office Action, the Examiner objected to claim 2 for a minor informality. In response, Applicants have amended claim 2 in the manner suggested by the Examiner. Applicants, therefore, respectfully solicit withdrawal of the imposed objection of claim 2.

CLAIM 1 IS REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON RAFFEL ET AL., U.S. PATENT NO. 4,384,299 (HEREINAFTER RAFFEL)

On page three of the Office Action, the Examiner asserted that Raffel identically discloses the claimed invention. This rejection is respectfully traversed.

Independent claim 1 has been amended to clarify that each of the resistor elements are formed only on the element isolating insulating film. In the statement of the rejection, the Examiner referred to feature 100 to teach the claimed resistor elements and to feature 114 to teach the claimed element isolating insulating film. Upon review of Fig. 10, however, there is no indication that Raffel teaches that feature 100 (i.e., the asserted resistor element) is formed only on feature 114 (i.e., the asserted element isolating insulating film) since feature 100 is also formed on the asserted active regions 106. Thus, Raffel fails to identically describe the claimed invention within the meaning of 35 U.S.C. § 102. Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Raffel.

Newly added independent claim 22 recites that the active regions are between portions of adjacent resistor films, in which the portions are formed on the element isolating insulating film. However, as illustrated in Fig. 9 of Raffel, there are no active regions between the portions of the

metal strips 100 that are on the field oxides 114. Thus, claim 21 further distinguishes the claimed invention over Raffel.

CLAIMS 1-3 AND 11 ARE REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON BONSER ET AL., U.S. PATENT NO. 6,365,481 (HEREINAFTER BONSER)

On page four of the Office Action, the Examiner asserted that Bonser identically discloses the claimed invention. This rejection is respectfully traversed.

Independent claim 1 has been amended to clarify that each of the resistor elements are formed only on the element isolating insulating film. In the statement of the rejection, the Examiner referred to features 30 and 32 to teach the claimed resistor elements, to feature 16 to teach the claimed element isolating insulating film, and to feature 14 to teach the claimed active regions. Upon reviewing Bonser, there is no indication that Bonser teaches that features 30 and 32 (i.e., the asserted resistor element) are formed only on feature 16 (i.e., the asserted element isolating insulating film). Instead, as illustrated in Fig. 2 of Bonser, feature 30 is also formed on feature 14. Thus, Bonser fails to identically describe the claimed invention within the meaning of 35 U.S.C. § 102. Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claims 1-3 and 11 under 35 U.S.C. § 102 for anticipation based upon Bonser.

Newly added independent claim 22 recites that the active regions are between portions of adjacent resistor films, in which the portions are formed on the element isolating insulating film. However, as illustrated in Fig. 1 of Bonser, there are no active regions between the portions of the

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unsilicided portions 30, 32 that are on the trench isolation structure 16. Thus, claim 21 further distinguishes the claimed invention over Bonser.

CLAIMS 1 AND 3 ARE REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON MEYER, U.S. PATENT NO. 6,285,066

On page six of the Office Action, the Examiner asserted that Meyer identically discloses the claimed invention. This rejection is respectfully traversed.

In the statement of the rejection, the Examiner asserted that a plurality of resistor elements (i.e., features 138) are formed on an element isolating insulating film (i.e., features 136) on a surface of a semiconductor substrate (i.e., feature 10). However, upon reviewing Figs. 8 and 13-14, which were cited by the Examiner, Applicants note that features 136 and 138 are not formed on the surface of feature 10. Instead, features 136 and 138 are formed in feature 10. Thus, Meyer fails to identically describe this particular limitation.

Furthermore, the Examiner referred to feature 76 to teach the claimed active region. However, upon reviewing column 4, lines 25-63 of Meyer, Applicants note that feature 76 is only described as "a mesa," and not as an active region. A further review of Meyer yields no teaching that this mesa 76 is later doped to form an active region. Meyer, therefore, further fails to identically describe the claimed invention within the meaning of 35 U.S.C. § 102. Thus, Applicants respectfully solicit withdrawal of the imposed rejection of claims 1 and 3 under 35 U.S.C. § 102 for anticipation based upon Meyer. Newly added independent claims 21 and 22 contain the limitations recited in claim 1 and are patentable over Meyer at least for the reasons stated above.

CLAIM 5 IS REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON
MORIWAKI ET AL., U.S. PUBLICATION NO. 2002/0004270 (HEREINAFTER MORIWAKI)

On page seven of the Office Action, the Examiner asserted that Moriwaki identically discloses the claimed invention. This rejection is respectfully traversed.

In the statement of the rejection, the Examiner referred to features 103C or 303C to teach the claimed resistor elements and to features 101, 201, 301 to teach the claimed insulating film. The Examiner then asserted that Babcock identically discloses that a plurality of features 103C or 303C (i.e., the claimed resistor elements) are formed on the features 101, 201, 301 (i.e., the claimed insulating film). However, upon reviewing Figs. 1-9, which were cited by the Examiner, Applicants cannot find where Moriwaki teaches that a plurality of features 103C or 303C are formed on an (i.e., a single) insulating film. Instead, Moriwaki only discloses a single feature 103C or 303C formed on a single alleged insulating film. Moriwaki, therefore, fails to identically describe the claimed invention within the meaning of 35 U.S.C. § 102. Thus, Applicants respectfully solicit withdrawal of the imposed rejection of claim 5 under 35 U.S.C. § 102 for anticipation based upon Moriwaki.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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